

## **EXHIBIT 3**

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

OCT - 5 2015

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

TIM RHODES  
COURT CLERK

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AUSTIN KLVAN and LORI KLVAN,  
Individually, and as husband and wife,  
Plaintiffs,  
vs.  
LIBERTY MUTUAL GROUP INC.,  
a foreign Insurance Company,  
Defendant.

CASE NO.

CJ 2015 - 5404

PETITION

COME NOW the Plaintiffs, Austin Klavan and Lori Klavan, individually, and as husband and wife, and for their causes of action against the Defendant, Liberty Mutual Group Inc., a foreign insurance company (hereinafter referred to as "Liberty Mutual"), and hereby allege and state as follows:

1. That the Plaintiffs, Austin Klavan and Lori Klavan, are residents of Oklahoma, State of Oklahoma.
2. That the Defendant, Liberty Mutual, is a corporation organized and existing under the laws of a state other than Oklahoma, but is licensed to conduct the business of insurance within the State of Oklahoma.
3. The incident which gives rise to this litigation occurred in Oklahoma County, State of Oklahoma. Jurisdiction over the parties and of the subject matter and that venue is appropriate.
4. That on the 6<sup>th</sup> day of May, 2013, the Plaintiff, Austin Klavan, was traveling northbound on Kelly Avenue when rear-ended by another vehicle.
5. Plaintiff has settled the liability claim in regard to the subject accident.

6. Defendant, Liberty Mutual, is/was the UM/UIM insurance carrier and had in effect a policy of insurance that affords coverage to the Plaintiffs. This policy is identified as Policy number A0S29801496140.
7. That Defendant, Liberty Mutual, by and through their representatives in question have breached the insurance contract in question, and have further failed to act in good faith towards the Plaintiff, to wit:
  - a. Failing to pay benefits properly due;
  - b. Failing to properly investigate this claim;
  - c. Violating Oklahoma law in the handling of this claim;
  - d. Failing to handle this claim in good faith;
  - e. Failing to fairly and properly evaluate Plaintiffs' claim;
  - f. Insisting Plaintiff sign an agreement releasing the at-fault driver/tortfeasor from any and all claims;
  - g. Violating Oklahoma statutes with regard to the handling of this claim and specifically violating the Fair Claims Practices Act.
8. Plaintiffs have been damaged by the wrongful acts of the Defendant.
9. As a direct and proximate result of Defendant's, negligence, the Plaintiff, Austin Klavan, was injured and had to undergo medical treatment. As a result of the collision, the Plaintiff has incurred medical bills and may in the future incur medical bills. The Plaintiff has experienced pain, suffering and mental anguish. The Plaintiff may, in the future, experience further pain, suffering, mental anguish and permanent disability. The Plaintiff further incurred lost wages and lost earning capacity.
10. Plaintiff, Lori Klavan, repleads the allegations above and states that as a further result of the Defendant's negligence, she has and will be deprived of her husband's services, companionship and consortium, and has been

damaged in a sum in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code.

11. By reason of the above and foregoing, the Plaintiffs, Austin and Lori Klavan, have been damaged in a sum in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code.

**WHEREFORE**, the Plaintiffs, Austin and Lori Klavan, pray for judgment against the Defendant, Liberty Mutual Fire Insurance Company, and for a total sum in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, including costs, interest and such other and further relief as the Court deems appropriate.

Respectfully submitted,

HOLLOWAY, DOBSON & BACHMAN, P.L.L.C.  
One Leadership Square, Suite 900  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
(405) 235-8593  
(405) 235-1707 fax



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GARY C. BACHMAN, OBA #400  
gbachman@hollowaydobson.com  
STEPHEN D. BACHMAN, OBA #14030  
sbachman@hollowaydobson.com  
BRYAN G. GARRETT, OBA #17866  
bgarrett@hollowaydobson.com

ATTORNEYS FOR PLAINTIFFS

**JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED**